

APPEAL NO. 030749
FILED MAY 5, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 27, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____, and that he did not have disability. The claimant appealed, arguing that the hearing officer's decision is against the great weight and preponderance of the evidence. The respondent (carrier) responded, urging affirmance and asserted that because the claimant did not appeal the disability determination, it has become final pursuant to Section 410.169.

DECISION

Affirmed.

Regarding the carrier's contention that the claimant only appealed the hearing officer's injury determination, we note that the claimant appealed the hearing officer's entire decision, which included the injury and disability determinations. We have held that no particular form of appeal is required, and that an appeal, even though terse and unartfully worded, will be considered. See Texas Workers' Compensation Commission Appeal No. 91131, decided February 12, 1992.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____. The claimant had the burden of proof on that issue. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The injury issue presented a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust; therefore, no sound basis exists for us to reverse the injury determination on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The 1989 Act requires the existence of a compensable injury as a prerequisite to a finding of disability. Section 401.011(16). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that he did not have disability.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **BANKERS STANDARD INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MARCUS MERRITT, C/O ACE USA
6600 CAMPUS CIRCLE DRIVE, SUITE 200
IRVING, TEXAS 75063.**

Veronica Lopez
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge